

TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

Proposed Rule
LSA Document #10-4

DIGEST

Amends 105 IAC 9-4-3, 105 IAC 9-4-4, 105 IAC 9-4-8, 105 IAC 9-4-10, 105 IAC 9-4-11, and 105 IAC 9-4-13 and adds 105 IAC 9-4-14, which regulate business signs on information panels within highway right-of-way. Effective 30 days after filing with the Publisher.

SECTION 1. 105 IAC 9-4-3 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-3 **Applicability**

Authority: IC 8-23-2-6

Affected: IC 9-2-2; IC 9-21-4-5

Sec. 3. The provisions of this rule are;

(1) applicable to **specific service signs on** the interstate system of highways and other freeways only; **and**

(2) **not applicable to supplemental guide signs.**

Further regulations concerning the use of specific service signs and supplemental guide signs can be found in the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways (IMUTCD), as adopted by order of the commissioner of the department under IC 9-21-2.

(Indiana Department of Transportation; 105 IAC 9-4-3; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2326; filed Jan 8, 1992, 12:00 p.m.: 15 IR 698; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; readopted filed Jun 14, 2007, 2:45 p.m.: 20070627-IR-105070237RFA) NOTE: Transferred from Department of Highways (120 IAC 4-5-3) to Indiana Department of Transportation (105 IAC 9-4-3) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 2. 105 IAC 9-4-4 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-4 **Definitions**

Authority: IC 8-23-2-6

Affected: IC 9-21-4-5

Sec. 4. ~~As used in~~ **The following definitions apply throughout** this rule:

(1) "Business facility" means a business operating in one (1) or more of the areas of service permitted for installation of specific service signs and meeting the criteria for installation of a logo panel.

(2) "CLOSED panel" ~~is~~ **means** a panel imprinted with the word CLOSED that may be installed over a logo panel to indicate the seasonal closing of a business.

(3) "Contractor" means the:

- (A) individual;
- (B) partnership;
- (C) firm;
- (D) corporation; or
- (E) combination of same;

contracting with the department for performance of prescribed work.

(4) "Department" means the Indiana department of transportation.

(5) "Freeway" means a divided highway for through traffic with full control of access.

(6) "Full control of access" means the condition where the right of owners or occupants of abutting land or other persons, to access light, air, or view in connection with a highway is fully controlled. Full control is exercised to give preference to through traffic by:

- (A) providing access connections only with selected public roads; and by
- (B) prohibiting crossings at grade or direct private driveway connections.

(7) "Interstate system" means the federally designated system of interstate highways with full control of access.

(8) "Logo panel" is ~~is~~ means a:

- (A) business sign; and ~~means a~~
- (B) separately attached sign mounted on specific service signs to show the:
 - (i) brand;
 - (ii) symbol;
 - (iii) trademark; or
 - (iv) name; or
 - (v) combination of these;

for a motorist service available at or near an interchange.

(9) "Miniature logo panel" means a reduced size duplicate of the logo panel installed on the specific service sign in advance of the interchange, which is installed on the specific service ramp sign, **or a trail-blazing sign.**

(10) "Primary applicant" means a business facility requesting a logo panel ~~which~~ **that** meets the highest standard for the specific service.

(11) "Secondary applicant" means a business facility requesting a logo panel ~~which~~ **that** meets a reduced standard for the specific service. Contracts for secondary applicants may be for a shorter period than for primary applicants.

(12) "Specific service ramp sign" means a reduced size specific service sign installed on an interchange ramp to indicate distance and direction to a business facility not readily visible from intersection of the ramp and the crossing roadway.

~~(12)~~**(13) "Specific service sign" is means** a specific information panel and means a rectangular sign panel with the following:

- (A) The words "GAS", "FOOD", "LODGING", "CAMPING", or "ATTRACTION".
- (B) Directional information.
- (C) One (1) or more logo panels.

~~(13) "Specific service ramp sign" means a reduced size specific service sign installed on an interchange ramp to indicate distance and direction to a service facility not readily visible from the ramp intersection with the intersecting roadway.~~

(14) "Supplemental guide sign" means a large panel sign with a brown, or green retroreflective background, and a white retroreflective legend and border, that provides direction to one (1) or two (2) supplemental destinations, which can be reached from the interchange.

(15) "Tourist" means a person who travels over fifty (50) miles one-way from home.

(16) "Trail-blazing" means guiding a motorist from a specific service ramp sign to an eligible business facility through the use of trail-blazing sign or signs.

(17) "Trail-blazing sign" means a reduced size specific service sign installed on or near a crossroad to indicate a distance and direction to a business facility not readily visible from the interchange ramp.

(Indiana Department of Transportation; 105 IAC 9-4-4; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2326; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2330; filed Jan 8, 1992, 12:00 p.m.: 15 IR 698; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Mar 21, 2002, 4:40 p.m.: 25 IR 2438; readopted filed Jun 14, 2007, 2:45 pm.: 20070627-IR-105070237RFA) NOTE: Transferred from Department of Highways (120 IAC 4-5-4) to Indiana Department of Transportation (105 IAC 9-4-4) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 3. 105 IAC 9-4-8 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-8 Specific information permitted

Authority: IC 8-23-2-6

Affected: IC 9-21-2; IC 9-21-4-5

Sec. 8. (a) The types of services signs permitted are:

(1) "GAS";

(2) "FOOD";

(3) "LODGING";

(4) "CAMPING"; and

(5) "ATTRACTION"; ~~and only one (1) type of service per logo panel.~~

with a maximum of three (3) services per specific service sign. To qualify for display on a specific service sign, the service facility must meet the requirements outlined in section 13 of this rule.

(b) The number of specific service signs permitted is limited to a maximum of ~~one (1)~~ **two (2)** for each type of service up to a maximum of four (4) specific service signs along an approach to an interchange. The number of logo panels permitted on a specific service sign is specified in section 11 of this rule. **When unused space on a service sign is used to display an additional service, the unused space shall be used as provided in section 11(c) of this rule.**

(Indiana Department of Transportation; 105 IAC 9-4-8; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2327; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2332; filed Jan 8, 1992, 12:00 p.m.: 15 IR 699; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Mar 21, 2002, 4:40 p.m.: 25 IR 2439; readopted filed Jun 14, 2007, 2:45 pm.: 20070627-IR-105070237RFA) NOTE: Transferred from

Department of Highways (120 IAC 4-5-8) to Indiana Department of Transportation (105 IAC 9-4-8) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 4. 105 IAC 9-4-10 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-10 Location of signs; special requirements

Authority: IC 8-23-2-6

Affected: IC 9-21-2; IC 9-21-4-5

Sec. 10. (a) Except as provided in section 11(c) of this rule, a separate specific service sign must be provided for each type of service upon which logo panels are displayed.

(b) The specific service signs ~~should~~ **shall** be erected between eight hundred (800) feet beyond the end of the last entrance taper of the previous interchange and eight hundred (800) feet minimum in advance of the exit lane taper, or the general motorist service sign if present, at the interchange from which the services are available. When longitudinal space permits, all specific service signs should be installed before the one (1) mile exit panel. There should normally be at least eight hundred (800) feet spacing between the signs, and at least eight hundred (800) feet visibility to a sign installed beyond a sight obstruction. Excessive spacing should be avoided.

(c) Specific service signs existing at the time this rule is adopted and not meeting these spacing requirements may remain in place for the remainder of their normal service life ~~but no longer than fifteen (15) years from adoption of this rule~~ **or until April 1, 2017, whichever is sooner**. At the end of the normal service life, or at some time before ~~the fifteen (15) years limit is reached~~ **April 2, 2017**, specific service signs not complying with these spacing requirements ~~should~~ **shall** be removed or relocated in compliance with these requirements.

(d) ~~When available space or other restrictions limit the number of specific service signs that may be installed approaching an interchange, the~~ **The** order of preference for choosing services to be displayed shall be **as follows**:

- (1) "GAS".
- (2) "FOOD".
- (3) "LODGING".
- (4) "CAMPING".
- (5) "ATTRACTION".

In the event a higher priority business replaces a lower priority business, distance from the center point of the exit ramp terminus shall govern which lower priority business is removed. Secondary applicants, as determined by section 13 of this rule, will be removed before primary applicants.

(e) At single-exit interchanges, where service facilities having a logo panel are not visible from the ramp terminal, specific service ramp signs must be installed at the ramp terminal as follows:

- (1) Specific service ramp signs must include the distance and the directional arrow to the service facility.
- (2) The installation of specific service ramp signs shall be at the expense of the business facility.
- (3) The miniature logo panels installed on specific service ramp signs must be eighteen (18) inches high by twenty-four (24) inches wide.
- (4) The miniature logo panel on the specific service ramp sign will be installed after receipt of the miniature logo panel from the business facility.
- (5) Miniature logo panels, if required, must accompany the specific logo panel before any installations are made.

(Indiana Department of Transportation; 105 IAC 9-4-10; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2328; errata, 7 IR 2546; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2332; filed Jan 8, 1992, 12:00 p.m.: 15 IR 700; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Mar 21, 2002, 4:40 p.m.: 25 IR 2440; readopted filed Jun 14, 2007, 2:45 pm.: 20070627-IR-105070237RFA) NOTE: Transferred from Department of Highways (120 IAC 4-5-10) to Indiana Department of Transportation (105 IAC 9-4-10) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 5. 105 IAC 9-4-11 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-11 **Design; special requirements**

Authority: IC 8-23-2-6

Affected: IC 9-21-4

Sec. 11. (a) At single-exit interchanges, the name of the type of service followed by the exit number shall be displayed in one (1) line above the logo panels, or, as an alternate, the exit number may be placed above the specific service sign and the type of **service or** services ~~should~~ **shall** be displayed in one (1) line above the logo panels. At unnumbered interchanges, the directional legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number. The specific service sign shall be limited to six (6) logo panels for **the following**:

- (1) "GAS".
- (2) "FOOD".
- (3) "LODGING".
- (4) "CAMPING". ~~and~~
- (5) "ATTRACTION".

(b) At double-exit interchanges, the specific service signs shall consist of two (2) sections, one (1) for each exit. The top section shall display the logo panels for the first exit, and the lower section shall display the logo panels for the second exit. The name of the type of service followed by the exit number shall be displayed in a line above the logo panels in each section. At unnumbered interchanges, the legend "NEXT RIGHT (LEFT)" and "SECOND RIGHT (LEFT)" shall be substituted for the exit numbers. Where a type of motorist service is to be signed for at only one (1) exit, one (1) section of the specific service sign may be omitted, or a single-exit interchange sign may be used. The number of logo panels on the specific service sign (total of both sections) shall be limited to six (6) for **the following**:

- (1) "GAS".
- (2) "FOOD".
- (3) "LODGING".
- (4) "CAMPING". ~~and~~
- (5) "ATTRACTION".

(c) At ~~remote~~ rural interchanges, where the number of qualified business facilities are limited, or at interchanges where longitudinal space limits the number of specific service signs that may be installed, logo panels for two (2) or three (3) types of services may be displayed on the same specific service sign. The permitted combinations are **as follows:**

- (1) Up to two (2) logo panels for up to three (3) types of services.
- (2) Up to three (3) logo panels for two (2) types of services.
- (3) Up to four (4) logo panels for one (1) type of service and up to two (2) logo panels for one (1) other type of service.

The name of each type of service shall be displayed above its respective logo **panel or** panels, and the exit number shall be displayed above the names of the types of services. At unnumbered interchanges, the legend "NEXT RIGHT (LEFT)" shall be substituted for the exit number. Logo panels should not be combined on a specific service sign when it is anticipated that additional service facilities will become available in the near future. When it becomes necessary to display more logo panels for a type of service displayed in combination, the logo panels involved shall then be displayed in compliance with ~~subsection~~ **subsections (a) through and (b).** **When there is unused space on a specific service sign, the remaining display area is subject to the priority in section 10(d) of this rule until the service type with the next highest priority has six (6) logo panels displayed. Once the service type with the next highest priority in section 10(d) of this rule has six (6) logo panels displayed, the remaining display area shall be available to the service type with the subsequent priority level. No more than twelve (12) logo panels may be displayed for a specific service type.**

(d) The normal orientation for specific service signs is with the longer dimension horizontal. At locations with extreme conditions, such as narrow ~~right-of-way~~ **rights-of-way** or steep slopes, where a horizontal installation is not practical, the longer dimension may be installed ~~vertical~~ **vertically** with sections appropriate to the vertical orientation. The left section shall be for the first exit of a double-exit interchange and the right section for the second exit.

(e) When a specific service sign is divided into sections, a section may not be extended left or right **or** up or down to encroach into the area of another section. Specific service signs not in compliance with this ~~provision~~ **subsection** at the time this rule is adopted may remain in place until the earlier of:

- (1) the end of the normal service life of the sign; or
- (2) a logo panel in the section with the extension is removed so that sections that comply may be established.

(Indiana Department of Transportation; 105 IAC 9-4-11; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2328; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2332; filed Mar 30, 1990, 3:30 p.m.: 13 IR 1390; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Mar 21, 2002, 4:40 p.m.: 25 IR 2441;

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SECTION 6. 105 IAC 9-4-13 IS AMENDED TO READ AS FOLLOWS:

105 IAC 9-4-13 Qualification for logo panels

Authority: IC 8-23-2-6

Affected: IC 9-21-4

Sec. 13. (a) In addition to the specific requirements in this section, each applicant must hold valid licenses, permits, ~~and/or~~ **or** approvals required of the facility by any appropriate governmental agency. Each business identified on a specific service sign must:

(1) give written assurance to the state, or the contractor, of its conforming with all applicable laws concerning the provisions of public accommodations without regard to:

- (A) race;
- (B) religion;
- (C) color;
- (D) **age;**
- (D) sex;
- (E) disability; or
- (F) ancestry; and ~~must~~

(2) not be in breach of that assurance.

(b) To qualify as an applicant for a "GAS" logo panel, a business facility must establish the following:

(1) Provide vehicle services, including fuel, oil, and water. Tire repair must be provided on-site, or information about tire repair off-site must be conspicuously posted. Tire repair shall be:

- (A) sixteen (16) hours a day for seven (7) days a week for a primary applicant or ~~(B)~~ twelve (12) hours a day for seven (7) days a week for a secondary applicant; and
- ~~(C)(B)~~ performed on-site by employees or a subcontractor within one (1) hour or ~~(D)~~ performed off-site within a reasonable driving distance by another provider, with a list of off-site tire repair providers and copies of written directions to the provider available to motorists at the applicant's establishment.

(2) Provide modern public restroom facilities and drinking water.

(3) Be in continuous operation with a minimum of **the following:**

- (A) Sixteen (16) hours a day for seven (7) days a week for a primary applicant.
- (B) Twelve (12) hours a day for seven (7) days a week for a secondary applicant.

(4) Provide a public telephone.

(5) Be located within two (2) miles of the interchange and **either:**

- (A) be on, or readily visible from, the intersecting crossroad, **or**
- (B) **provide trail-blazing for a maximum of one (1) turn after the interchange ramp to the business facility. The turn from the interchange ramp and the turn into the business facility shall not count as turns.**

(c) To qualify as an applicant for a "FOOD" logo panel, a business facility must establish the following:

- (1) Provide modern public restroom facilities.
- (2) Provide a public telephone.
- (3) Be located within three (3) miles of the interchange and **either:**
 - (A) be on, or readily visible from, the intersecting crossroad, or
 - (B) **provide trail-blazing for a maximum of one (1) turn after the interchange ramp to the business facility. The turn from the interchange ramp and the turn into the business facility shall not count as turns.**
- (4) Provide a minimum seating capacity of twenty-five (25) persons.
- (5) Provide meals a minimum of six (6) days per week. If applicable, the day of the week the business facility is not in operation shall be shown on or below the logo panel.
- (6) Provide meal services a minimum of **the following:**
 - (A) Twelve (12) hours operation for three (3) meals a day opening at or before 8:30 a.m. for a primary applicant.
 - (B) Two (2) meals per day for secondary applicant.

(d) To qualify as an applicant for a "LODGING" logo panel, a business must establish the following:

- (1) Provide a minimum of ten (10) separate sleeping units with modern sanitary facilities.
- (2) Provide a public telephone.
- (3) Have gasoline and food available within one (1) mile of the facility, between the facility and the interchange, or within the respective limits stipulated in subsections (b) and (c).
- (4) Be located within three (3) miles of the interchange **for a primary applicant and either:**

- (A) be on, or readily visible from, the intersecting crossroad, or
- (B) **provide trail-blazing for a maximum of two (2) turns after the interchange ramp to the business facility. The turn from the interchange ramp and the turn into the business facility shall not count as turns.**

(5) Be located within four (4) miles of the interchange for a secondary applicant and **either:**

- (A) be on, or readily visible from, the intersecting crossroad, or
- (B) **provide trail-blazing for a maximum of two (2) turns after the interchange ramp to the business facility. The turn from the interchange ramp and the turn into the business facility shall not count as turns.**

(e) To qualify as an applicant for a "CAMPING" logo panel, a business facility must establish the following:

- (1) Provide adequate waste disposal.
- (2) Provide modern sanitary facilities, including an adequate number of:
 - (A) toilets;
 - (B) lavatories; and
 - (C) showers;for camping sites' capacity.

- (3) Provide the following:
 - (A) running water.
 - (B) drinking water. ~~and~~
 - (C) Electricity.
 - (4) Provide a **the following** minimum number of camping sites:
 - (A) Fifty (50) for a primary applicant.
 - (B) Twenty-five (25) for a secondary applicant.
 - (5) Be located within fifteen (15) miles of the interchange.
 - (6) Provide a public telephone.
 - (7) Provide continuous months of operation **as follows**:
 - (A) Twelve (12) months for a primary applicant.
 - (B) Six (6) months for a secondary applicant. The secondary applicant shall provide for "CLOSED" panels during the months of closure. Posting of the closed panel, and subsequent removal, will be limited to one (1) time per year. Alternatively, the months of operation may be posted on or below the logo panel.
 - (8) Provide adequate trail-blazing from the interchange to the facility. **There is no limit to the number of turns allowed for trail-blazing signs. The last trail-blazing sign on a state road or United States highway may also include a trail-blazing sign for traffic coming in the opposite direction.**
- (f) To qualify as an applicant for an "ATTRACTION" logo panel, a business must establish the following:
- (1) Be of regional significance, **and be able to demonstrate the following**:
 - (A) **A substantial portion of its visitors are tourists.**
 - (B) **It has no supplemental guide signs on the interstate or freeway directing motorists to its site.**
 - (2) Have adequate off-street parking for normal visitor demand.
 - (3) Provide modern public restroom facilities and drinking water.
 - (4) Provide a public telephone.
 - (5) Be located within fifteen (15) miles of the interchange.
 - (6) Provide adequate trail-blazing from the interchange to the facility. **There is no limit to the number of turns allowed for trail-blazing signs. The last trail-blazing sign on a state road or United States highway may also include a trail-blazing sign for traffic coming in the opposite direction.**
 - (7) Be one (1) or more of the following:
 - (A) **Agritourism. An established location where customers can interact with Indiana agricultural producers for the purpose of tours, education and/or other rural experiences, recreation, and purchase of products. The facility must satisfy the additional requirements of at least one (1) of the following agritourism categories:**
 - (i) **Agri-educational venue – A producing farm that offers educational, tourist entertainment and/or farm related activities. Activities may include the following:**
 - (AA) Horseback riding.
 - (BB) Corn mazes.
 - (CC) Farm animal petting zoos.

(DD) Hayrides.

(EE) Other similar out-of-doors farm related activities.

The facility may offer on-site lodging opportunities such as a working guest ranch or bed and breakfast.

(ii) Agriculture production or processing, or both, venue. Offers product creation tours on a regular basis throughout the year and is located on a producing farm or in a manufacturing setting.

This category is considered a seasonal attraction, and the months of operation in subdivision (8) do not apply.

(A)(B) Amusement park. A commercially operated park enterprise which supplies refreshments and various forms and devices for entertainment, such as:

- (i) Roller coasters;**
- (ii) Water rides;**
- (iii) Musical entertainment; and**
- (iv) Carnival games.**

This category is considered a seasonal attraction, and the months of operation in subdivision (8) do not apply.

(C) Antique Shopping/Artisan Destination District. An area located in a city or urban area offering multiple vendor locations for the purchasing of antiques or hand made crafts. There must be at least five (5) shops (or any combination of antique and hand made craft shops) in the Antique Shopping/Artisan Destination District and it must show that:

- (i) marketing efforts are as a district; and**
- (ii) it works with the local visitors bureau.**

(B)(D) Business district/main street community. The central business district of a community or an area within a community which that has been officially designated as a main street community community by the Indiana department of commerce Main Street program within the Office of Community and Rural Affairs, or its successor organization. To qualify for this type of signage at an exit, there must be more than one (1) exit from the highway to access the community.

(E) Cultural center. A center for exhibits and presentations, that are designed to teach visitors about the culture of current or past residents of the area.

(C)(F) Education center. A facility which that:

- (i) is of outstanding educational value; and which**
- (ii) conducts tours on a regularly scheduled basis throughout the year; and**
- (iii) is not a school or post secondary educational facility.**

(D)(G) Golf course. Eighteen (18) hole minimum United States Golf Association regulation governed. Secondary applicant is the only applicant status available for golf course regardless of operation times outlined in subdivision (8). below

(E)(H) Historical site. A structure, district, or site:

- (i) listed on the Indiana register of historic sites and structures or the National Register of Historic Places as being of historical significance; and which**
- (ii) that is open to the public.**

(I) "Made in Indiana" production facility. A facility that educates the public about a production process, and can be considered as either a "Food & Beverage or

“Goods” production facility. The facility must offer tours into the production area and consist of one (1) of the following categories:

(i) Food & Beverage production - These are manufacturing facilities where food products are produced from raw ingredients such as the following:

(AA) Canning facilities.

(BB) Candy factories.

(CC) Breweries.

(DD) Wineries.

The facility must offer product creation tours on a regular basis, samples of product and actively market to tourists. Fifty percent (50%) of the facility’s production must be for retail sales for consumption off site. This category does not include restaurants or similar facilities that prepare meals for consumption on site or offsite.

(ii) Goods production - These are manufacturing facilities where raw materials are transformed into finished product for retail sale. The facility must offer product creation tours on a regular basis and actively market to tourists.

(J) Large Tourist Traffic Generator. A tourist attraction that attracts at least ten thousand (10,000) visitors annually. The facility must also have:

(i) a marketing plan in place where at least forty percent (40%) of the advertising budget is spent on markets at least fifty (50) miles away; and

(ii) a working relationship with the local chamber of commerce or the convention and visitors bureau if such an entity is present in the community.

(K) Marina. A sheltered harbor adjacent to a navigable waterway where boats are kept in the water and recreational boating services are provided. This category is considered a seasonal attraction, and the months of operation in subdivision (8) do not apply.

(F)(L) Museum. An organized and permanent institution, with professional staff, essentially educational or aesthetic in purpose, which owns or utilizes tangible objects, cares for them, and exhibits them to the public on some regular schedule.

(M) Outlet mall. A shopping facility that:

(i) offers a grouping of name brand outlet stores; and

(ii) has a national or international marketing plan.

This category does not include local or regional shopping centers which typically offer normal retail sales of products.

~~(G)~~(N) Religious site. A shrine, grotto, or similar type site which that is of a unique religious nature.

~~(H)~~(O) Resort/ski area/marina. A facility with those recreational amenities normally present at a facility which that is:

(i) the main focal point of a vacation; and which is

(ii) situated to take advantage of a natural, historic, or recreational attraction.

(P) Snow ski area. A facility with those recreational amenities normally present at a snow ski facility, such as:

(i) mechanical lifts;

(ii) down hill skiing;

(iii) tubing; or

(iv) snowboarding.

This category is considered a seasonal attraction, and the months of operation in subdivision (8) do not apply.

(Q) Transportation Tourist Attraction. A mobile facility that attracts at least one thousand (1,000) visitors annually and is of one of the following types:

- (i) riverboat;**
- (ii) canal boat;**
- (iii) trolley; or**
- (iv) train.**

The mobile facility must offer regular tours of a navigable waterway or a railway or streetcar line. The dock or station where visitors board the mobile facility must contain information about the attraction for when the mobile facility is away from the dock or station. This category is considered a seasonal attraction, and the months of operation in subdivision (8) do not apply.

(R) U-pick/orchard/farmer's market. An established area or facility where consumers can purchase prepicked or pick-it-yourself fresh Indiana grown food products directly from Indiana producers. This category is considered a seasonal attraction, and the months of operation in subdivision (8) do not apply.

(S) Water park. A commercially operated park enterprise:

- (i) with multiple permanently erected water features, rides and devices providing aquatic family entertainment; and**
- (ii) offering food and other refreshments for visitor consumption.**

If the water park is located on the premises of a lodging facility, an overnight stay at the lodging facility shall not be required for admission to the water park. This category is considered a seasonal attraction, and the months of operation in subdivision (8) do not apply.

(T) Winery. A facility that produces wine from grapes or other fruit and maintains a tasting room, sales, and tours.

(U) Botanical/zoological facility. A facility that:

- (i) houses and maintains a collection of unique living animals or plants; and**
- (ii) is open to the public.**

(8) Have regularly scheduled operation for a minimum of the following:

(A) Eight (8) hours per day, seven (7) days per week all year for a primary applicant.

(B) Six (6) hours per day for five (5) days per week for ~~eight (8)~~ six (6) continuous months per year for a secondary applicant, unless otherwise stated in subdivision (7). If applicable, the day or days of the week the business facility is not in operation shall be shown on or below the logo panel. The secondary applicant shall provide for "CLOSED" panels during the months of closure. Posting of the closed panel, and subsequent removal, will be limited to one (1) time per year. Alternatively, the months of operation may be posted on or below the logo panel.

(g) The department or its contractor will enter into contracts with primary applicants for the use of space on specific service signs. If space remains available on specific service signs after primary applicants have been contracted, the department or its contractor may enter into contracts with secondary applicants for use of the remaining space.

(Indiana Department of Transportation; 105 IAC 9-4-13; filed Aug 13, 1984, 2:54 p.m.: 7 IR 2329; errata, 7 IR 2546; filed Mar 2, 1988, 10:55 a.m.: 11 IR 2333; filed Oct 5, 1993, 5:00 p.m.: 17 IR 173; readopted filed Nov 7, 2001, 3:20 p.m.: 25 IR 899; filed Mar 21, 2002, 4:40 p.m.: 25 IR 2442; readopted filed Jun 14, 2007, 2:45 pm.: 20070627-IR-105070237RFA) NOTE: Transferred from Department of Highways (120 IAC 4-5-13) to Indiana Department of Transportation (105 IAC 9-4-13) by P.L.112-1989, SECTION 5, effective July 1, 1989.

SECTION 7. 105 IAC 9-4-14 IS ADDED TO READ AS FOLLOWS:

105 IAC 9-4-14 RV friendly symbols

Authority: IC 8-23-2-6

Affected: IC 9-21-2; IC 9-21-4

Sec. 14.(a) Any specific service sign may include a symbol to indicate that a business facility has facilities that are designed to accommodate the on-site movement and parking of recreational vehicles, if:

(1) Roadway access and egress are:

(A) hard surface;

(B) free of potholes; and

(C) at least twelve (12) feet wide with a minimum swing radius of at least fifty (50) feet to enter and exit the business facility.

(2) Roadway access, egress and internal parking facilities and fuel facility canopies shall have the following:

(A) at least fourteen (14) feet of clearance that is clear of tree branches, or other obstructions

(B) at least seventeen (17) feet of clearance that is clear of any electrical wires, but electrical wires that are both firmly and permanently attached to fuel canopies may have a clearance of not less than fourteen (14) feet.

(3) If the business facility requires short-term parking, such as a restaurant or tourist attraction, it has two (2) or more spaces that are at least twelve (12) feet wide and sixty-five (65) feet long with a swing radius of at least fifty (50) feet to enter and exit the parking spaces.

(4) Fueling facilities selling diesel fuel shall have pumps with noncommercial nozzles.

(5) Fueling facilities allow for pull-through with a swing radius of at least fifty (50) feet.

(6) Campgrounds have two (2) or more spaces that are at least eighteen (18) feet wide and forty-five (45) feet long.

(7) The business facility posts directional signing on its site, as needed, to parking spaces and other on-site services for recreational vehicles, so that the motorist is given additional guidance upon leaving the public highway and entering the business facility's property.

(b) The RV friendly symbol dimensions must meet the current requirements for the RV Friendly Symbol found in the IMUTCD as adopted by order of the commissioner of the department under IC 9-21-2. RV Friendly Symbols that do not meet the requirements in a new edition of the IMUTCD shall be removed within three (3) months of the adoption of the new edition of the IMUTCD.

(Indiana Department of Transportation; 105 IAC 9-4-14)